

REMARKS

Claims 1-2, 4-14, and 15-32 are pending in the present application. Claims 1, 22, and 31 are independent claims. Claims 3 and 15 are canceled. Claims 31 and 32 are amended.

Request for Examiner Interview

Upon review of the enclosed Amendment, Applicants respectfully request that the Examiner contact the undersigned to discuss the Applicants' reasoning and/or possible claim amendments that may place the application in condition for allowance.

I. Claim Rejections under 35 U.S.C. § 112

Claim 32 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner alleges the limitation "the head" and the "the body," as recited in claim 32, lines 2 and 3, lacks antecedent basis.

The Applicants thank the Examiner for pointing out this deficiency. Accordingly, the Applicants have amended claim 32 to depend from claim 31 which provides the necessary antecedent basis.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 32 under 35 U.S.C. § 112 be withdrawn.

II. Claim Rejections: 35 U.S.C. § 102

Claims 1-24 and 28-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,454,824 (hereinafter "Wood"). The Applicants respectfully traverse.

Claim 1

The Examiner, on page 3 of the Office Action, alleges Wood discloses a safety-fastener (10) which includes a locking element (42). The Examiner further alleges that the "joint" disclosed in claim 1 reads on the shoulder (28) formed near the bottom of the boss (18). However, the Applicants point out that Wood's alleged locking element (42) cannot be inserted into the alleged joint (28) because the diameter of Wood's

alleged locking member exceeds that of the space separating Wood's upper shoulder (30) from Wood's lower shoulder (28) (see FIG. 6, next page). Accordingly, Wood cannot be relied for disclosing a safety-fastener "wherein the joint is locked by the insertion of the locking element into the joint," as recited in claim 1.

For at least the reason given above, the Applicants respectfully request the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 102(b) as being anticipated by Wood be withdrawn.

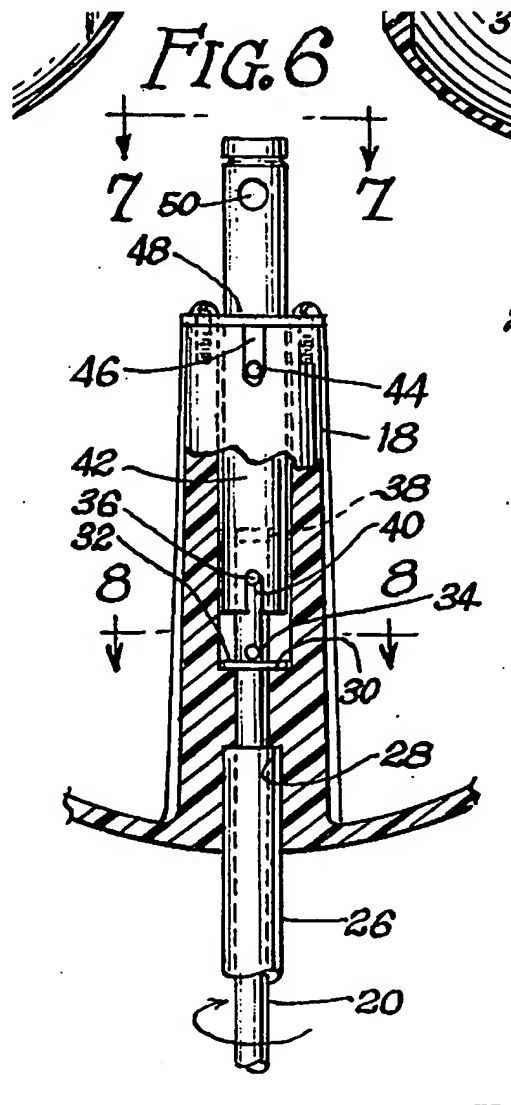


FIG. 6 from Wood: note the alleged locking member 42 cannot be inserted into the alleged joint 28.

Claim 7

The Examiner, on page 4 of the Office Action, asserts that Wood discloses “wherein the joint is shifted from the locked state to the unlocked state by **irreversible breaking of the locking element** within the joint,” as recited in claim 7, and cites column 1, line 66 to column 2, line 4 for support. In its entirety, the Applicants note that this portion of Wood’s specification discloses:

When the lid is put on the locker and the drive member pulled through the lid and secured with a padlock, it is impossible to engage the driving member onto the pin in the top of the shaft, and thus the locker free wheels aimlessly on the shaft without accomplishing the disengagement of the auger if a thief attempts to remove the entire mechanism.

The Applicants note that this portion of Wood’s specification fails to disclose “wherein the joint is shifted from the locked state to the unlocked state by **irreversible breaking of the locking element** within the joint,” as recited in claim 7. Rather, this portion merely discloses the basic operation of Wood’s beach locker in which the drive member 42 is disengaged from the shaft 20. (see column 2, lines 56 to 68).

For at least the reasons given above, the Applicants respectfully request the rejection of claim 7 under 35 U.S.C. § 102(b) as being anticipated by Wood be withdrawn.

Claim 8

The Examiner on page 4 of the Office Action asserts that Wood discloses “wherein the locking element is adapted to break at a pre-specified torque,” as recited in claim 8, and cites column 1, line 66-column 2, line 4 for support (see above). The Applicants submit this portion of Woods disclosure clearly does not disclose the instant feature of claim 8. To the contrary, “when the lid is put on the locker and the drive member pulled through the lid and secured with a padlock,” the locking element cannot be torqued to failure because the driving member is not engaged onto the pin in the top of the shaft.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 8 under 35 U.S.C. § 102(b) as being anticipated by Wood be withdrawn.

Claim 22

The Examiner, on page 5 of the Office Action, generally alleges that Wood discloses a lock safety-fastener comprising a lock accepting region (12) which protrudes from a solid material. For support the Examiner cites to column 2, lines 56-68 and FIG. 2. However, in its entirety, this portion of Woods' specification discloses:

When the drive member is pulled to its upper position as shown in FIG. 4, it has an eyelet 50 which clears the lid 14 and can be engage by a padlock such as indicated at 52. This padlock retains the lid 14 securely on the container 12, while simultaneously insuring that the drive member 42 is incapable of engaging the shaft 20 for rotation. An attempt to counter-rotate the locker container would simply result in its idling about the shaft. There is no exposed element which can be gripped for rotation when the padlock 52 is in place. The elongated sleeve 26 also rotates about the shaft, so that the first bare shaft portion available is more than a foot beneath the sand's surface.

Assuming *arguendo* the Examiner is correct in identifying (12) as a lock accepting region, the Applicants note that (12) cannot be inserted into Wood's lock 52. Accordingly, Wood cannot be relied on for disclosing, at least, "inserting the lock-accepting region into the lock such that the lock substantially covers the lock-accepting region," as recited in claim 22.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 22, and all claims which depend thereon, under 35 U.S.C. § 102(b) as being anticipated by Wood be withdrawn.

Claim 31

The Examiner, on page 3 of the Office Action, alleges the "head" and "body" recited in claim 31 will be treated as the "rod" and "threaded tip," as recited in claim 1. Accordingly, the Examiner asserts that Wood discloses a fastener with a head (18), a body (22), and a joint (28). The Applicants point out the alleged joint (28) is a shoulder recessed into the boss (18). The shoulder 18 may prevent the alleged body (22) from moving towards the alleged head (18), however, the shoulder (18) does not prevent the alleged head (18) from moving away from the alleged body (22). Accordingly, alleged joint 18 disclosed in Wood does is not "configured to inhibit the body from moving either towards or away from the head," as recited in claim 31.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 31, and all claims which depend thereon, under 35 U.S.C. § 102(b) as being anticipated by Wood be withdrawn.

III. Claim Rejections: 35 U.S.C. § 103

Pending claims 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of U.S. Patent No. 3,817,063 (hereinafter "Williams"). The Applicants respectfully traverse.

As argued above, Wood does not disclose, at least, a safety-fastener "inserting the lock-accepting region into the lock" such that the lock substantially covers the lock-accepting region," as recited in claim 22. Furthermore, the Applicants submit Williams fails to cure this deficiency. Therefore, even if combined, the combination of Wood and Williams would not render the instant feature obvious. The Applicants further submit that claims 25-27 are likewise nonobvious at least by virtue of their dependency upon claim 22.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 25-27 under 35 U.S.C. § 103 as being obvious over Wood in view of Williams be withdrawn.

Conclusion

In view of the above remarks, Applicants respectfully submit that each of the rejections set forth in the Office action has been overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

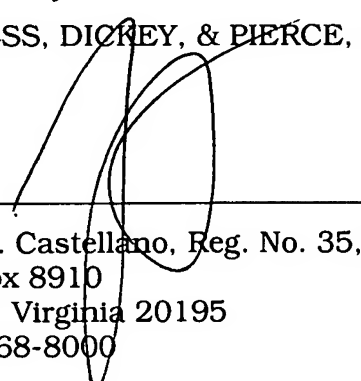
Applicants hereby petition under the provisions of 37 C.F.R. § 1.136(a) for a three month extension of time in which to respond to the outstanding Office Action and includes a fee as set forth in 37 C.F.R. § 1.17(a) with this response for such extension of time.

It is believed that the correct fees due are included with this filing. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. **08-0750** for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/DMB
DMB